

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLARENCE OTWORTH,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:20-cv-453

THOMAS L. DORWIN, in his
official capacity, et al.,

Defendants.

ORDER

The Court has before it (1) Plaintiff's motion for leave to file an amended complaint (ECF No. 12); and (2) Plaintiff's motion to recuse the undersigned (ECF No. 13). Both motions are **DENIED**.

On June 2, 2020, the undersigned issued a Report and Recommendation (R&R) recommending that Plaintiff's amended complaint be dismissed because his action is devoid of merit. (ECF No. 8 at PageID.25.) In his motion to amend, Plaintiff seeks to add the undersigned to this action based solely on the recommendation in the June 2, 2020 R&R. Because Plaintiff's action remains frivolous and devoid of merit, his motion to amend is properly denied as futile because it would not survive a motion to dismiss. *See Rose v. Hartford Underwriters Ins. Co.*, 203 F.3d 417, 420 (6th Cir. 2000).

As for Plaintiff's motion to recuse, Plaintiff merely states that recusal is required for the sole reason that "[i]t is unethical for a defendant to be a Magistrate Judge." (ECF No. 13 at Page.44.) Because Plaintiff's motion to amend is properly denied, the undersigned is not a defendant in the case. Moreover, it is well established that a judge's unfavorable recommendations and rulings are not a basis for recusal. *See Wilson v. Lane*, No. 95-4185, 1996 WL 185788, at *2 (6th Cir. Apr. 17, 1996) ("The

district court did not abuse its discretion by denying Wilson's motion for recusal because Wilson's allegations of judicial bias are based wholly on his dissatisfaction regarding the court's rulings in this case and other unspecified proceedings.") (citing *Liteky v. United States*, 510 U.S. 540, 555 (1994)).

IT IS SO ORDERED.

Dated: August 5, 2020

/s/ Sally J. Berens
SALLY J. BERENS
U.S. Magistrate Judge